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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

SACRAMENTO LOPEZ,

Plaintiff and Respondent,

v.

EVELIN CORTES,

Defendant and Appellant.

A142114

(Alameda County
Super. Ct. No. HG13663545)

Defendant and appellant Evelin Cortes appeals from the trial court's order denying her motion to vacate the defaults entered against her co-defendants. We conclude the appealed-from order is nonappealable and dismiss the appeal.

BACKGROUND

Appellant and her co-defendants were sued by plaintiff and respondent Sacramento Lopez. Respondent obtained entries of default against appellant's co-defendants. According to the register of actions, no judgment—default or otherwise—has issued against any defendant.

Appellant filed a motion to vacate the defaults entered against her co-defendants. The trial court denied the motion.

DISCUSSION

“ ‘[A]n order denying a motion to vacate a *default entry* (rather than the default judgment) is *nonappealable*. [Citations.] A default entry is reviewable only on appeal from the default judgment.’ ” (*Scognamillo v. Herrick* (2003) 106 Cal.App.4th 1139,

1146; accord, *First American Title Co. v. Mirzaian* (2003) 108 Cal.App.4th 956, 960 [“An order denying a motion to set aside a clerk’s entry of default . . . is nonappealable.”].) Accordingly, the order denying appellant’s motion to vacate the entries of default is not appealable.¹

DISPOSITION

The appeal is dismissed. Respondent shall recover his costs on appeal.

¹ In response to our request for supplemental briefing on this issue, appellant contends *Scognamillo* and *First American Title Co.*, *supra*, are distinguishable because she seeks to set aside defaults entered as to other parties, not as to her. The distinction is immaterial as the relevant holding arises because “an order denying a prejudgment motion to vacate a *default entry* is a *nonappealable interlocutory order*.” (Eisenberg et al., Cal. Practice Guide: Civil Appeals and Writs (The Rutter Group 2014) ¶ 2:172, p. 2-117.) The order is interlocutory regardless of which party made the motion.

SIMONS, J.

We concur.

JONES, P.J.

BRUINIERS, J.